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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re S. R., et al., Persons Coming Under the
Juvenile Court Law.

STANISLAUS COUNTY COMMUNITY
SERVICES AGENCY,

Plaintiff and Respondent,

v.

SARAH V.,

Defendant and Appellant.

F045558

(Super. Ct. Nos. 505007, 505008,
505009, 505010, 505569, 505570)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Nancy B. Williamsen, Commissioner.

Michael McPartland, under appointment by the Court of Appeal, for Defendant and Appellant.

Michael H. Krausnick, County Counsel, and Carrie Stephens, Deputy County Counsel, for Plaintiff and Respondent.

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* Before Vartabedian, Acting P.J., Harris, J., and Cornell, J.

Sarah V. appeals from orders terminating her parental rights (Welf. & Inst. Code, § 366.26) to her six children.¹ She contends the court erred by not finding termination would be detrimental to her oldest child. On review, we will affirm.

PROCEDURAL AND FACTUAL HISTORY

On New Year's Day 2002, sheriff's deputies responded to a domestic violence incident at the home of appellant and the father of her children. The couple then had four children, three girls and one boy who ranged in ages six months to six years. The father, who fled upon the deputies' arrival, had a history of battering the mother and his children. The officers arrested appellant for child endangerment and, having found the home to be unfit, filthy and unsafe for the children, referred them to the agency. These circumstances led the agency to initiate dependency proceedings (§ 300, subd. (b) & (g)).

The Stanislaus County Superior Court adjudged the four children dependents of the court in March 2002, formally removed them from parental custody, and ordered reunification services for appellant. The court denied reunification services for the father whose whereabouts were unknown for virtually the entire proceedings. Later in 2002, appellant gave birth to twin girls, whom the court also adjudged dependent children.

Despite lengthy reunification efforts in 2002 and 2003, appellant did not regain custody of any of her children. Although she made progress towards correcting the problems that led to the children's dependencies, she was overwhelmed at the prospect of caring for the children and eventually stopped participating in services. Consequently, in October 2003, the court terminated reunification efforts and set the cases of all six children for a section 366.26 hearing to select and implement a permanent plan for each of them.

¹ All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

In anticipation of the section 366.26 hearing, the agency prepared a report and addendum in which it recommended that the court find each of the children adoptable and terminate parental rights. Foster parents who had cared for three of the girls throughout their dependencies wished to adopt them as well as the boy whose foster mother was a relative of the other foster parents. The agency had located another couple who was committed to adopting the other two girls.

The court eventually conducted the section 366.26 hearing in March 2004. After hearing evidence and argument in the case, the court found the six children adoptable and terminated parental rights.

DISCUSSION

Appellant maintained regular visitation with her children throughout their dependency. It is also undisputed that of all her children, appellant's eldest child, S.R., shared a strong bond with appellant. Although S.R. wished to be adopted, she also tearfully expressed a desire to have continued contact with appellant. Indeed, it would be in S.R.'s best interests, according to the child's therapist, if S.R. could maintain contact with her mother. Based on the foregoing evidence, appellant contends the court abused its discretion when it did not find that termination of parental rights would be detrimental to S.R. (See § 366.26, subd. (c)(1)(A).) On review, we disagree and conclude there was no abuse of discretion.

Although section 366.26, subdivision (c)(1) acknowledges that termination may be detrimental under specifically designated circumstances, a finding of no detriment is not a prerequisite to the termination of parental rights. (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1348.) Once reunification services are ordered terminated, the focus shifts to the needs of the children for permanency and stability. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) A section 366.26 hearing is designed to protect children's compelling rights to have a placement that is stable, permanent, and that allows the caretaker to make a full emotional commitment to the child. (*In re Marilyn H., supra*, 5

Cal.4th at p. 306.) If, as in this case, a dependent child is likely to be adopted, adoption is the norm. Indeed, the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that termination of parental rights would be detrimental to the child. (*In re Celine R.* (2003) 31 Cal.4th 45, 53.)

In this case, appellant no doubt established that she maintained regular visitation with S.R. throughout her dependency and the two of them shared a strong emotional attachment. Nonetheless, the evidence did not compel the juvenile court to find that termination would be detrimental to S.R.

“[T]he exception in section 366.26, subdivision (c)(1)(A), requires that the parent-child relationship promote the well-being of the child to such a degree that it outweighs the well-being the child would gain in a permanent home with new, adoptive parents. (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 575.) A juvenile court must therefore: ‘balance[] the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer. If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent’s rights are not terminated.’ (*Id.* at p. 575.)” (*In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1342.)

Here, no such evidence was introduced. Indeed, when the court asked the therapist whether continued contact between appellant and S.R. outweighed the benefits of adoption to S.R., the therapist replied she could not answer that question. Absent evidence that a continued parent-child relationship outweighed, in S.R.’s case, the well-being she would gain through adoption, we conclude the juvenile court properly exercised its discretion in rejecting appellant’s claim. (*In re Lorenzo C., supra*, 54 Cal.App.4th at p. 1342.)

DISPOSITION

The orders terminating parental rights are affirmed.